IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3048 OF 2005.
IN
FIRST APPEAL NO. 83 OF 1995.

Shri Khemchand Mahavirprasad Singhania
(since deceased through HLRs.)
Nitin Khemchand Singhania and anr. ... Applicants.
Versus.
Shri Bajranglal Bherulal Singhania
and others. ... Respondents.

Shri Chavan i/by Shri S.S.Kulkarni for the Applicants.

Shri A.R.Patel, A.G.P. for the Respondent No.3.

CORAM : ABHAY S.OKA, J.

DATED : 2nd March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants. This is an Application for bringing on record heirs of the deceased Appellant.

2. Under Chapter II of the Appellate Side Rules, 1960, various judicial powers are conferred on the Registrar. The said powers include the power to grant stay in any admitted First and Second Appeals. Power of deciding applications for legal heirs filed within limitation where there is no contest vests in the Registrar. Power is also vesting in the Registrar to decide applications for fresh notice and for substituted service. Though the powers are vesting in the Registrar, it appears that the office is not placing all such applications before the Registrar (Judicial-I), as

the Registrar (Judicial-I) has to look after entire administration of Appellate Side offices and therefore, he does not have sufficient time to deal with such applications. Considering the magnitude of the duties of the Registrar (Judicial-I), he is not in a position to deal with such Applications. If the present status of filing of the civil matters on the Appellate Side is considered, at least 100 to 150 applications are being filed in every week, which could be dealt with by the Registrar. Considering the large increase in the volume of filing of matters on the Appellate Side, it is necessary to consider whether it is desirable to create a separate post of Registrar who will exclusively deal with the judicial work so that all such matters can be fixed before him during the regular court working hours and large number of Civil Applications can be disposed of. This will reduce the burden on the regular Courts. The Registrar (Judicial-I) will consider this aspect and will bring the same to the notice of the Hon'ble the Chief Justice and Administrative Judges.

3. Since the Civil Application is made within limitation, the same is allowed in terms of prayer clause (a). Amendment to be carried out within four weeks.

Judge.